

REMARKS

This paper is submitted in response to the Final Office Action dated April 7, 2004. Following this amendment, claims 1-22, 41-46, 48-49, 57-60, 62-63, 71-73, and 76-77 are pending.

Claims 23-40, directed to non-elected subject matter, have been cancelled, without prejudice. Claims 47, 61 and 75 have also been cancelled. Applicant reserves the right to continue prosecution of the cancelled subject matter in continuation or divisional applications.

Claims 1, 17, 18, 20, 22, 41, 57, and 71 have been amended, as discussed below. Support for the amendments can be found throughout the specification and claims as originally filed and, in particular, in paras. 0030 and 0031 at page 7 of the specification. No new matter is added as a consequence of the amendments to the claims.

The Rejections under 35 U.S.C. § 112 Should Be Withdrawn

The Examiner has rejected claims 1-22, 41-49, 57-63, 71-73, and 75-77 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the use of "MS basal culture medium" is indefinite, because the medium can allegedly be anything as described in the specification at page 7. The Examiner further alleges that the specification does not clearly set the metes and bound of the claimed invention. Applicants respectfully disagree.

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EXPEDITED PROCEDURE

As stated in the response mailed January 2, 2004, Applicants submit that this medium is clearly defined and known to one of skill in the art. The variations of the media also well known in the field and commercially available. The specification also lists two specification variants known in the art in paras. 0030 and 0031 at page 7 of the specification, i.e. MS basal culture medium I and II. Variations in components of the medium, as stated in the specification, are within 5% of the listed concentrations.

However, in the interest of furthering prosecution and placing the pending claims in condition for allowance, Applicants have amended claims 1, 17, 18, 20, 22, 41, 57, and 71 to recite in a Markush group the specific formulations of MS basal medium I and II listed at page 7 of the specification. Claims 47, 61 and 75, which depend from claims 41, 57 and 71, respectively, recite the constituents of MS basal medium I and are now cancelled. Applicants submit that the pending claims, as amended clearly define the metes and bounds of the claimed subject matter.

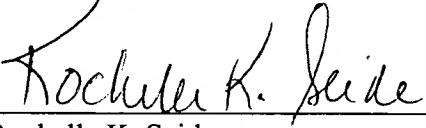
For the foregoing reasons, Applicants submits that claims 1-22, 41-46, 48-49, 57-60, 62-63, 71-73, and 76-77 are not indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, Applicants respectfully request the withdrawal of the rejection of the pending claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the outstanding rejection and allowance of the pending claims.

Applicants believe that there is no fee required with the submission of this paper. However, if such fee is due or overpayment made in connection with this submission, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-4377 of Baker Botts L.L.P. Duplicate copies of this page are attached.

Respectfully submitted,
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